IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 17169 of 2000

Between:

The Tirupati Transport (A Unit of APSRTC)

Working Union, Rep. by its General Secretary,

Sri K.R.K. Reddy

..... PETITIONER

AND

The Principal Secretary to Government,
Labour & Employment,

Training & Factories Department,
Secretariat, Hyderabad and 3 others

.....RESPONDENTS

ORDER:

This writ petition is filed challenging the proceedings of the Government of Andhra Pradesh, Labour, Employment, Training and Factories (Lab.I) Department bearing No.325/Lab.-I/A2/98, dated 06.03.1998, wherein the 1st respondent refused to refer the case of the petitioner for adjudication to the Industrial Tribunal/Labour Court.

There is no necessity of going into all the details. It is suffice to notice that by way of punishment, as a result of disciplinary proceedings dated 19.07.1989, the Depot Manager, Andhra Pradesh State Road Transport Corporation (APSRTC), Tirumala Depot, Chittoor has imposed a punishment of reduction in the pay scale of the petitioner from Rs.1,485/- to Rs.1,415/- i.e. by two incremental stages for a period of two years which will have the effect of postponement of his future increments. The petitioner did not raise any dispute for about 9 years. Thereafter, through the union, he has raised conciliation proceedings and on failure of the conciliation proceedings, the matter was reported to the Government for consideration for being referred to the Industrial Tribunal. The 1st respondent, by way of impugned proceedings dated 06.03.1998, informed the petitioner that the dispute raised by him does not merit reference for adjudication since it is a belated case.

Admittedly, the petitioner was in service and his salary was reduced by two incremental stages with cumulative effect by way of punishment, through proceedings dated 19.07.1989. The petitioner satisfied with the same and did not raise his little finger for about 9 years. Thereafter, the dispute was sought to be raised through the union, which ended in failure, and the Government also after considering the same, felt that it is belated, and therefore, there is no merit for referring the matter for adjudication, and hence, the impugned proceedings dated 06.03.1998 have been issued.

I am of the opinion that the Government has not committed any error in refusing to refer the matter since the dispute is raised after more than 9 years. It is not a case of

illegal termination or removal or dismissal of the petitioner from service. This is a case of reduction of pay scale and the petitioner was in service all through, but did not pursue the matter diligently. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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C.V.RAMULU,J

Dated: 24.08.2005

Dsr